

WITHERS BERGMAN LLP

Hollis Gonerka Bart (HB-8955)
Dara G. Hammerman (DH-1591)
Azmina N. Jasani (AJ- 4161)
430 Park Avenue, 10th Floor
New York, New York 10022
212.848.9800 (p)
212.848.9888 (f)

*Attorneys for Defendants Gagosian Gallery, Inc.
and Lawrence Gagosian*

SHERIDAN FISHER & HAYES LLP

Steven M. Hayes, Esq.
Hanly Conroy Bierstein
112 Madison Avenue
New York, NY 10016-7416
(212) 784-6414

Attorneys for Defendant Richard Price

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PATRICK CARIOU,

Plaintiff,

-against-

RICHARD PRINCE, GAGOSIAN
GALLERY, INC., LAWRENCE
GAGOSIAN and RIZZOLI
INTERNATIONAL PUBLICATION, INC.,

Defendants.
-----X

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

No. 08-CV-11327 (DAB)

PLEASE TAKE NOTICE that, upon the affidavit of Hollis Gonerka Bart, sworn to on May 14, 2010 and the exhibits thereto, the affidavit of Richard Prince sworn to on May 13, 2010 and the exhibit thereto, the statement, pursuant to Local Rule 56.1, of material facts as to which there is no genuine issue to be tried, the defendants' Memoranda of Law, dated May 14, 2010, and the pleading and prior proceedings herein, defendants Richard Prince, Gagosian Gallery, Inc., and Lawrence Gagosian will move the Court, before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl St., New York, NY 10007, in accordance with the scheduling order dated March 19, 2010, as amended by the memorandum endorsements dated April 6, 2010 and May 5, 2010, for an order pursuant to Rule 56 of the Federal Rules of

Procedure, granting defendants' motion for summary judgment dismissing defendants' complaint, with prejudice and in the entirety, on their fair use defense, and dismissing plaintiff's conspiracy claim as frivolous and preempted by federal copyright law, and for such other and further relief as to the Court appears just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order, as amended, plaintiff's opposition papers shall be served and filed by June 14, 2010, and defendants' reply papers shall be served and filed on June 24, 2010.

Dated: New York, New York
May 14, 2010

Respectfully submitted,

WITHERS BERGMAN LLP

By: Hollis Gonerka Bart
Hollis Gonerka Bart (HB-8955)
Dara G. Hammerman (DH-1591)
Azmina N. Jasani (AJ-4161)
430 Park Avenue, 10th Floor
New York, NY 10022-3505
Phone: (212) 848-9800
Fax: (212) 848-9888
*Attorneys for Defendants Gagosian Gallery,
Inc. and Lawrence Gagosian*

SHERIDAN FISHER & HAYES LLP

By: Steven M. Hayes (SH)
Steven M. Hayes (SH-2926)
Hanly Conroy Bierstein
Sheridan Fisher & Hayes LLP
112 Madison Avenue
New York, NY 10016-7416
(212) 784-6414
Attorneys for Defendant Richard Prince